

PATENT
Attorney Docket No. 05725.1420-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Véronique FERRARI et al.

Application No.: 10/529,264

Filed: December 19, 2005

For: NON-TRANSFER COSMETIC
COMPOSITION COMPRISING A
SEQUENCED POLYMER

)
) Group Art Unit: 1611
)
) Examiner: Trevor M. LOVE
) Confirmation No.: 2132
)
)
)
) VIA EFS-WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. See also M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. JP 10-506404: Published as WO 96/10044, this document is not available except in the form of the PCT document. WO 96/10044 is believed to be related to U.S. Patent No. 6,280,713, cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed June 1, 2009.

2. French Search Report for FR 04/03090: This is the French Search Report for FR 04/03090 from which co-pending Application No. 11/089,210 (Attorney Docket No. 06028.0097-00) claims priority.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2009

By: Wen Li
Wen Li
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